



STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

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| IN THE MATTER OF: |) | |
| |) | |
| LYNN RAINER, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| and |) | CHARGE NO: 1999SF0131 |
| |) | EEOC NO: N/A |
| JIM ATKINSON, |) | ALS NO: S10972 |
| |) | |
| Respondent. |) | |

RECOMMENDED ORDER AND DECISION

This matter comes to me on review of the file which revealed that on May 11, 2001 and April 18, 2002 an Order issued requiring Complainant to file an intent to proceed with her case. Complainant neither responded nor complied with either Order or requested additional time to do so.

Findings of Fact

1. On September 3, 1998, Complainant filed a charge of discrimination against Respondent with the Illinois Department of Human Rights (Department).
2. On August 13, 1999, the Department filed a Complaint of Civil Rights Violation on Complainant's behalf alleging Complainant was sexually harassed in violation of section 2-102(D) of the Illinois Human Rights Act.
3. On September 8, 1999, ALJ Carol Kirbach sua sponte stayed this case to allow Complainant a period of time to appeal a portion of her charge that was dismissed by the Department. ALJ Kirbach's Order directed Complainant to file a report regarding the status of the appeal by March 15, 2002.

4. On March 15, 2000, Complainant's counsel filed a motion indicating the Department's review of the charge was complete, and withdrew as her representative because he had not received any written or oral communication from Complainant.
5. ALJ Kirbach then required Complainant to file another status report in June of 2000, but Complainant failed to do so.
6. On May 16, 2001, ALJ Michael R. Robinson issued an Order that required Complainant to file yet another status report along with her intent to proceed with her case. Complainant did not comply with the Order.
7. On April 18, 2002, Complainant was Ordered to file a statement of her intent to further prosecute her case. Complainant was warned that failure to comply with the Order would result in the dismissal of this case.
8. Complainant did not file an intent to proceed as required by the April 18, 2002, or request additional time to do so.
9. Complainant has not contacted the Commission in over twenty- two months and has failed to file the required statement of intent to proceed with her case.

Conclusions of Law

1. Complainant and Respondent are both subject to the Illinois Human Rights Act and to the jurisdiction of the Illinois Human Rights Commission.
2. A complaint may be dismissed when a party fails to comply with orders, fails to appear for hearings, or otherwise protracts and impedes the prosecution of her case.

Determination

The Complaint and underlying Charge of discrimination should be dismissed with prejudice for Complainant's unreasonable delay and failure to prosecute this matter.

Discussion

The procedural rules of the Illinois Human Rights Commission authorize the Commission to dismiss a case where a Complainant fails to comply with orders, fails to appear for hearings,

or otherwise protracts and impedes the prosecution of her case. *56 Ill. Admin. Code, ch. XI, § 5300.750(e)*.

In this case it is clear that Complainant has protracted the prosecution of her case. Two Orders were issued to Complainant on May 16, 2001 and April 18, 2002 seeking confirmation of an intent to proceed with her case. Complainant received notification in the second order that she could not continue to ignore Orders requiring her to confirm an intent to proceed with this case. However, despite two opportunities to apprise the Commission of her intent to prosecute this case and a warning of impending dismissal, Complainant has not contacted the Commission in over twenty-two months. Under these circumstances, it is apparent Complainant has no interest in pursuing her claim against Respondent and that a dismissal is now warranted.

Recommendation

Based on the findings of fact and conclusions of law, I recommend that the Complaint of Lynn Ranier v. Jim Atkinson and the underlying Charge number 1999SF0131 be dismissed with prejudice due to Complainant's failure to prosecute her claim.

ILLINOIS HUMAN RIGHTS COMMISSION

KELLI L. GIDCUMB
Administrative Law Judge
Administrative Law Section

ENTERED THE 4TH DAY OF SEPTEMBER, 2002.